

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN D. CRAWFORD,	:	
	:	
Plaintiff,	:	No. 1: CV-03-0693
	:	
v.	:	
	:	
COUNTY OF DAUPHIN,	:	
CITY OF HARRISBURG,	:	
JANICE ROADCAP, JOHN C.	:	(Judge McClure)
BALSHY and WALTON	:	
DEWEY SIMPSON, JR.,	:	
ADMINISTRATOR OF THE	:	
ESTATE OF WALTER D.	:	
SIMPSON,	:	
	:	
Defendants	:	

**O R D E R**

January 31, 2006

**BACKGROUND:**

On March 28, 2003, plaintiff filed a complaint in the Court of Common Pleas of Dauphin County at docket number 2003-CV-1452. Shortly thereafter the matter was removed to the Middle District of Pennsylvania. On October 6, 2005, the court granted defendant City of Harrisburg's motion for summary judgment and denied the other defendants' motions for summary judgment. Upon a motion for reconsideration, on January 19, 2006, the court granted defendant County of

Dauphin's motion for summary judgment. The case is currently scheduled for the April 2006 trial list. Now before the court is Defendants' Joint Motion to Preclude or Limit the Testimony of Jerry B. Mitchell. (Rec. Doc. No. 212.) For the following reasons we will grant the motion.

**DISCUSSION:**

Plaintiff's Statement in response to the court's order dated December 13, 2005, lists Jerry Mitchell as a witness. Mitchell is the brother of the deceased John Eddie Mitchell. Plaintiff did not offer a purpose for calling Mitchell as a witness. Defendants seek to preclude Mitchell from testifying unless defendants are advised in a timely fashion as to the specifics of his proffered testimony. Plaintiff has not filed a brief in opposition to the defendants' motion and in plaintiff's pre-trial memorandum Mitchell is not listed as a witness. Therefore, we will grant defendants' motion and preclude plaintiff from offering the testimony of Jerry B. Mitchell.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

Defendants' Joint Motion to Preclude or Limit the Testimony of Jerry B. Mitchell is granted. (Rec. Doc. No. 212.)

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge